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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,212	06/15/2001	Todd J. Muhlestein	2657	8454

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EXAMINER

SUKMAN, GABRIEL S

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 03/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,212

Applicant(s)

MUHLESTEIN, TODD J.

Examiner

Gabriel S Sukman

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference number 110, recited several times on page 11. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "108" has been used to designate both the pivot point in figure 6 and the swivel assembly part in figure 6. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim 5 recites the limitation of the connector comprising a curved arm, which is not provided for in the specification or the drawings.

Claim Objections

Art Unit: 3641

4. Claim 1 is objected to because of the following informalities: the word "shorten" should be --shortens--. Appropriate correction is required.
5. Claims 3, 4, and 7 are objected to because of the following informalities: the word "comprising" should be --comprises-- in each of the claims. Appropriate correction is required.
6. Claims 7 and 12 are objected to because of the following informalities: these claims are identical to claim 3. Appropriate correction is required.
7. Claim 13 is objected to because of the following informalities: claim 13 is identical to claim 4. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 5, 6, 14, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5 and 14 recite the limitation that the connector comprises a curved arm with an angle. The specification and drawings disclose the use of a connector that comprises two straight members arranged at angles to each other and not a curved arm as claimed. Claims 6 and 15 depend from claims 5 and 14 respectively and are therefore rejected as well.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3, 7-10, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,305,116 B1 to Parker in view of U.S. Patent No. 1,406,827 to Dumas.

Parker discloses all of the limitations of claim 1 except for providing a turnbuckle as the length adjusting means of the gun support. Dumas teaches an adjustable gun support which is taught to be supported by a belt worn by the user. Dumas teaches the use of turnbuckles for shortening and lengthening the support rod as shown in figure 4. The nature of these turnbuckles is that the support rod lengthens upon rotation of the turnbuckle in one direction and shortens upon rotation in the opposite direction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use turnbuckles as taught by Dumas as the shortening/lengthening means of the gun support of Parker in order to provide a more precise and simpler adjusting means. The substitution of the turnbuckles taught by Dumas in the invention of Parker is additionally beneficial in that the two adjustments of Parker (coarse and fine) can be combined into one, equally precise, adjustment.

Art Unit: 3641

Regarding claims 3 and 7, the limitations of the identical claims are met by the modification of the device of Parker in view of Dumas as discussed above regarding claim 1.

Regarding claim 8, while the details of the turnbuckle used in the invention Dumas are not specifically laid out, it is inherent that turnbuckles in general comprise two oppositely-threaded end rods and a central body adapted to be turned relative to the end rods to shorten and lengthen the member as a whole. Documentation of this fact can be found, for instance, in the Tenth Edition Merriam-Webster's Collegiate Dictionary where there is a diagram under the entry "turnbuckle" depicting the aforesaid limitations including two oppositely threaded rods and a central body. As such, the limitations of this claim are met by the modification of the invention of Parker in view of Dumas as discussed above regarding claim 1.

The limitations recited in claim 9 are met by the modification of the invention of Parker in view of Dumas as discussed above regarding claim 1.

The limitations recited in claim 10 are met by the modification of the invention of Parker in view of Dumas as discussed above regarding claims 1 and 8. Regarding a turnbuckle, the terms "rotate" and "turned" are equivalent.

The limitations recited in claim 12 are met by the modification of the invention of Parker in view of Dumas as discussed above regarding claims 1 and 3.

The limitations recited in claim 16 are met by the modification of the invention of Parker in view of Dumas as discussed above regarding claims 1 and 8.

Art Unit: 3641

10. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker in view of Dumas as applied to claims 1 and 9 above, and further in view of U.S. Patent No. 2,489,283 to Garand.

The modification of the invention of Parker in view of Dumas teaches all of the limitations of claim 4 except for providing two pivot joints as claimed. But Garand discloses a gun support assembly that uses a connector piece that has two pivot joints. The axes of the pivot joints are perpendicular and as such, this arrangement is taught to provide better versatility on uneven terrain. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the connector piece of Garand on the gun support assembly of Parker as modified by Dumas so that the connector assembly has two pivot joints and allows for "correcting any cant in the line of sight thereof which may occur when the bipod [support] is standing on uneven terrain."

It is assumed that claim 13 was intended to depend from claim 9 and, as such, all of its limitations are met by the modification in view of Garand of the invention of Parker in light of Dumas as discussed above regarding claim 4.

11. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker in view of Dumas as applied to claims 1 and 9 above, and further in view of U.S. Patent No. 5,110,022 to Dvoroznak et al.

The modification of the invention of Parker in view of Dumas teaches all of the limitations of claim 2 except for incorporating a sling and sling mount into the base member of the firearm support device. But installing carrying slings onto rifles and other

Art Unit: 3641

long firearms is very well known in the art as is evident by there being an entire classification subclass devoted to it (224/150). An example of a rifle sling is given by Dvoroznak et al., who additionally incorporates a gun rest into the sling. The sling is taught to be mounted to the underside of the rifle stock, at approximately the same location as that of the support of Parker. This mounting location is an advantageous position for carrying and weight distribution factors. As it is of well known utility to install a sling onto long firearms as is evidence by the art, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount a sling onto the base member of the invention of Parker as modified by Dumas so as to avoid interference between the sling and the support, since they are both taught to be mounted at the same location.

The limitations of claim 11 are also taught by the invention of Parker in view of Dumas and in further view of Dvoroznak et al., as discussed above regarding claim 2.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,972,619 to Eckert

U.S. Patent No. 2,472,804 to Bird

U.S. Patent No. 2,807,904 to Kreske

U.S. Patent No. 3,827,172 to Howe

U.S. Patent No. 5,913,668 to Messer

Art Unit: 3641

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel S Sukman whose telephone number is (703) 308-8508. The examiner can normally be reached on M-F, 8:30-5:00, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J Carone can be reached on (703) 306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4180.

gss
March 6, 2002


MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER